

FEB 15 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROMAN CAZARES PIMENTEL; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-73386

Agency Nos. A96-357-136
A96-357-137

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 11, 2008 ^{**}

Before: WALLACE, LEAVY and RYMER, Circuit Judges.

We have reviewed the response to the court's December 24, 2007 order to show cause. We *sua sponte* denies this petition for review because the questions raised are so insubstantial as not to require further argument. *See United States v.*

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

07-73386

Hooton, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The Board of Immigration Appeals did not abuse its discretion in denying petitioners Cazarez Pimentel Roman and Lucila Martinez Morales' motion to reopen where they did not demonstrate prima facie eligibility for relief under the Convention Against Torture (“CAT”). *See Mendez-Gutierrez v. Ashcroft*, 340 F.3d 865, 869-70 (9th Cir.2003) (“prima facie eligibility for the relief sought is a prerequisite for the granting of a motion to reopen”); 8 C.F.R. § 1208.16(c)(2) (applicant for CAT relief must prove “it is more likely than not that he or she would be tortured if removed to the proposed country of removal”). Accordingly, this petition for review is denied.

All pending motions are denied as moot. The temporary stay of removal confirmed by Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.